The Hon'ble Sri Justice D.S.R.Varma

Writ Petition No.27354 of 1998

Dated: 05th July,2006 7354

Between:

1.Nannapaneni Gangadhar Rao.

..Petitioner

and

1.Government of Andhra Pradesh, rep. by its Secretary, Home (Police) Department, Secretariat, Hyderabad and others. .

..Respondents

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Oral Order:-

Petitioner seeks a Writ of Mandamus to direct the second respondent-Superintendent of Police, Guntur, to transfer the crime which was registered as F.I.R No.184/1998 dated 11.7.1998 from Guntur Taluk Police Station to any other Police Station for investigation and to take appropriate action in the matter.

The grievance of the petitioner, as could be seen from the affidavit filed in support of this writ petition, is that though the Station House Officer, Taluk Police Station, Guntur, has registered a case against M/s Srinivasa Auto Finance Company, Nidubrolu on 11.7.1998, at the instance of the 2nd respondent-Superintendent of Police, Guntur, the 3rd respondent-Inspector of Police, Guntur Taluk Police Station, is not taking any action in the matter.

A counter-affidavit has been filed by the 4th respondent controverting the averments made by the petitioner in the affidavit filed in support of the writ petition.

A combined reading of the affidavit filed in support of the writ petition and the counter-affidavit of the 4th respondent only goes to show that there was some dispute between the petitioner and his financier in connection with a hire-purchase agreement under which the petitioner appears to have purchased a jeep. The respondents appear to have obtained legal opinion from the Assistant Public Prosecutor, Guntur, as to whether the financier has got right to seize the jeep under the hire-purchase agreement in case of commission of default by the purchaser in payment of instalments, and the legal opinion was given to the effect that the

financier has got right to seize the vehicle in question under the hire purchase agreement in case of commission of default by the purchaser in payment of instalments.

The petitioner appears to have committed default in payment of instalments under the hire-purchase agreement and for that reason the financier seized the jeep. It is also stated in the counter-affidavit, inter alia, that a final report is going to be submitted to the concerned criminal court in the matter.

This writ petition is of the year 1998. In the counter-affidavit sworn to and filed by the fourth respondent in the year 1998 itself it is categorically stated that a final report is going to be filed in the concerned criminal court. No information is forthcoming as to what had happened subsequently. In all probability, nothing would be surviving for adjudication in this writ petition at this distance of time, more so, in the light of the averments made by the fourth respondent in his counter-affidavit.

In the result, this writ petition is dismissed. It is needless to state that the interim order granted earlier by this court shall automatically stand vacated. No costs.

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D.S.R.VARMA,

J
05-7-2006

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